

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

MICHEALLE BOSTON §  
VS. § CIVIL ACTION NO. 9:16cv137  
ANGELINA COUNTY, ET AL. §

**ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Michealle Boston, an inmate at the Murray Unit, proceeding *pro se*, brought the above-styled lawsuit against Angelina County, the Lufkin Police Department, Anthony Hamilton, and Monica Gibson.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. For the reasons set forth in the Report, plaintiff's complaint fails to state a claim upon which relief may be granted. Plaintiff has failed to allege or demonstrate her conviction has been invalidated. Plaintiff's petition for writ of habeas corpus challenging her conviction remains pending before this

Court in another civil action. *See Boston v. Director*, Civil Action No. 9:15cv55 (E.D. Tex.).

Therefore, plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this 22 day of **September, 2017**.



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Ron Clark, United States District Judge